

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

LPP MORTGAGE LTD.

CIVIL ACTION 3-04-2031

VERSUS

U.S. DISTRICT JUDGE ROBERT G. JAMES

STEWART A. CATHEY, et al

U.S. MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION

Before the court is the question of the amount of interest, attorney fees and costs, if any which should be awarded to the plaintiffs in this case which was filed under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 501.

The district judge issued a Ruling and Order finding plaintiff entitled to collect from defendants the principal sum of \$220, 565.37 (see doc. #'s 44 and 51). However, the issue of the amount of interest, attorney fees, and costs was referred to me for report and recommendation.

Since the time of the court's order, the parties have stipulated to interest, as follows:

From December 1, 1997 through May 7, 1998	6.85% per annum
From May 8, 1998 through March 16, 2000	6.00% per annum
From March 17, 2000 through December 12, 2000	6.85% per annum
From December 13, 2000 through June 5, 2001	6.00% per annum
From June 6, 2001 until paid	6.85% per annum

Defendants reserved the right under the SCRA or other applicable law to seek a reduction in the accrual of future interest amounts for any future military active duty periods served by Mr. Cathey.

Defendant has also agreed in a conference with the court, that plaintiff is entitled to attorney fees and costs and has further stipulated to the amounts of such fees and costs as sought by plaintiff. The attorney fees thus stipulated to are \$54,636.75 and costs are \$3,078.15.

Based on the stipulations of counsel, I find that the attorney fees and costs were necessary and reasonable and that plaintiff is entitled to judgment for them. I further find, according to the stipulation of counsel, that the applicable interest is as set forth above.

For the foregoing reasons, IT IS RECOMMENDED, that legal interest, attorney fees and costs be awarded as set forth above.

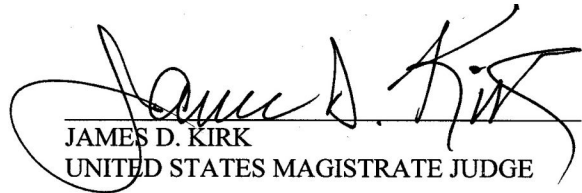
### **OBJECTIONS**

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed.R.Civ.P. 72(b), the parties have ten (10) business days from service of this Report and Recommendation to file specific, written objections with the clerk of court. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the district judge at the time of filing. Timely objections will be considered by the district judge before he makes his final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR,**

**FROM ATTACKING ON APPEAL THE UN-OBJECTED-TO PROPOSED FACTUAL  
FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.**

THUS DONE AND SIGNED in chambers, in Alexandria, Louisiana, on this the 31<sup>st</sup> day  
of August, 2006.

  
JAMES D. KIRK  
UNITED STATES MAGISTRATE JUDGE